

May 1, 2019

VIA ECF

Honorable Kathryn C. Ferguson, Chief Judge
United States Bankruptcy Court
District of New Jersey
402 East State Street, Courtroom #2
Trenton, New Jersey 08608

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BOSTON
HARTFORD
STAMFORD
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EAST BRUNSWICK
PHILADELPHIA
WILMINGTON
WASHINGTON, DC

Re: See Attached List of Cases

Dear Judge Ferguson:

I write on behalf of Johnson & Johnson and Johnson & Johnson Consumer, Inc. (collectively “J&J”), and in the interest of promptly apprising the Court of pertinent developments, J&J respectfully submits a copy of an order entered on April 30, 2019 in the United States District Court of the Southern District of New York by Chief Judge Colleen McMahon.

In short, Judge McMahon ordered that all of the State Court Talc Actions that had been removed to the Southern District of New York (as well as any additional State Court Talc Actions that may be removed in the future) be stayed for all purposes until further order of the Court. The Court specifically noted that “there will undoubtedly be additional litigation in the United States District and Bankruptcy Courts in Delaware concerning Johnson & Johnson’s allegation that these cases are ‘related to’ the Imerys Bankruptcy.” The Court also noted the presence of the Multi-District Litigation pending in the United States District Court for the District of New Jersey, to which the removed State Court Talc Actions may be related and may be the subject of conditional transfer orders. Accordingly, the Court held that it was “in the interest of justice” for the Court to await rulings from the District of Delaware and/or the Multi-District Panel before undertaking any substantive work in connection with the removed State Court Talc Actions.

J&J would respectfully request that this Court adopt the same approach as the Southern District of New York.

Respectfully yours,
John C. Garde
A Member of the Firm

Enclosure

cc: All Counsel of Record (via ECF and/or Electronic Mail)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
FILED: 4/30/19

In re: VARIOUS REMOVED STATE COURT ACTIONS
AGAINST, INTER ALIA, JOHNSON & JOHNSON
(STATE COURT TALC ACTIONS)

19-cv-03531(KPF)
19-cv-03533(VSB)
19-cv-03536(LGS)
19-cv-03546(LTS)
19-cv-03534(UA)
19-cv-3556(UA)
19-cv-3599(UA)
19-cv-3648(UA)
19-cv-3663(UA)
19-cv-3665(UA)
19-cv-3666(UA)
19-cv-3667(UA)
19-cv-3674(UA)
19-cv-3681(UA)
19-cv-3687(UA)
19-cv-3691(UA)
19-cv-3701(UA)
19-cv-3703(UA)
19-cv-3710(UA)

x

ORDER

McMahon, C.J.:

WHEREAS the State Court Talc Actions listed on Exhibit A to this Standing Order have been removed to this court by defendant Johnson & Johnson on the ground that they are "related to" the bankruptcy of Imerys Talc America, Inc., Imerys Talc Vermont, Inc., and Imerys Talc Canada, Inc., which is presently pending in the United States Bankruptcy Court for the District of Delaware, see, *In re: Imerys Talc America, Inc., et al.*, Case No. 19-10289-LSS; and

WHEREAS additional State Court Talc Actions may from time to time be removed to this court by Defendant Johnson & Johnson on the same ground; and

WHEREAS Johnson & Johnson has petitioned the United States District Court for the District of Delaware for a ruling, pursuant to 28 U.S.C. § 157(b)(5), on where all such State Court Talc Actions shall be tried; and

WHEREAS there will undoubtedly be additional litigation in the United States District and Bankruptcy Courts in Delaware concerning Johnson & Johnson's allegation that these cases are "related to" the Imerys Bankruptcy; and

WHEREAS there is also presently pending, in the United States District Court for the District of New Jersey, a Multi-District Litigation styled: *In re Johnson & Johnson Talcum Powder Products Marketing, Sales Practices and Products Liability Litigation*, 220 F. Supp.3d 1356 (JPML 2016) (consolidating cases for pretrial), to which these removed State Court Talc Actions may well be related and which may be the subject of conditional transfer orders; and

WHEREAS it is in the interest of justice for this court to await rulings from the District of Delaware and/or from the Multi-District Panel prior to undertaking any substantive work in connection with any of these removed State Court Talc Actions; and

WHEREAS, the judges to whom removed State Court Talc Actions have already been assigned have been polled and have consented to the entry of this order in each of their respective actions;

IT IS THEREFORE ORDERED as follows:

1. All actions listed on Exhibit A to this Standing Order are hereby stayed for all purposes until further order of this court; and
2. All such actions that are not presently assigned to judges in this district (designated UA on Exhibit A) shall remain unassigned while this stay remains in effect; and
3. Counsel for Johnson & Johnson shall promptly notify the Clerk of the Court if and when any additional State Court Talc Actions are removed to this court while the stay ordered in decretal paragraph 1 remains in effects, and upon such notification, any such action shall automatically become subject to that stay, and shall not be assigned to a judge in this district; and
4. Counsel for Johnson & Johnson shall promptly notify the Chief Judge and the Clerk of Court of any rulings made by the United States District Court for the District of Delaware and/or the Judicial Panel on Multi-District Litigation that would affect the course of proceedings in any of the removed State Court Talc Actions; and
5. Upon the expiration of the stay ordered in decretal paragraph 1, if any of the removed State Court Talc Actions remains pending in this district, the Court's Assignment Committee shall consult with the judges already assigned to these matters to determine whether there is reason to consolidate them for some, all or no purposes.

Dated: April 30, 2019

FOR THE ASSIGNMENT COMMITTEE



A handwritten signature in black ink, appearing to read "Callahan".

Chief Judge

BY ECF TO ALL COUNSEL OF RECORD IN THIS COURT

Exhibit A

19-cv-03530(LGS) Clark et al v. Johnson & Johnson et al;
19-cv-03531(KPF) Davies v. Johnson & Johnson et al;
19-cv-03533(VSB) English et al v. Johnson & Johnson et al;
19-cv-03536(LGS) Foster et al v. Johnson & Johnson et al;
19-cv-03546(LTS) Rea et al v. Johnson & Johnson et al;

19-cv-03534(UA)(formerly PGG) Falstein v. Johnson & Johnson et al;
19-cv-3556(UA) Germain et al v. Johnson & Johnson et al;
19-cv-3599(UA) Holleman v. Johnson & Johnson et al;
19-cv-3648(UA) Milan-Leal v. Johnson & Johnson et al;
19-cv-3663(UA) McCarthy v. Johnson & Johnson et al;
19-cv-3665(UA) Miller v. Johnson & Johnson et al;
19-cv-3666(UA) Neimeyer v. Johnson & Johnson et al;
19-cv-3667(UA) Minassian et al. v. Johnson & Johnson et al;
19-cv-3674(UA) Novack v. Johnson & Johnson et al;
19-cv-3681(UA) Pujols et al v. Johnson & Johnson et al;
19-cv-3687(UA) Suarez v. Johnson & Johnson et al;
19-cv-3691(UA) Rothlein et al v. Johnson & Johnson et al;
19-cv-3701(UA) Shanahan v. Johnson & Johnson et al;
19-cv-3703(UA) Monko v. Johnson & Johnson et al;
19-cv-3710(UA) Coven v. Johnson & Johnson et al.

**Cases Removed to the United States Bankruptcy Court
for the District of New Jersey by
Johnson & Johnson and Johnson & Johnson Consumer Inc. as of April 30, 2019**

Case Caption	Bankruptcy Case No.
Barden, Douglas and Roslyn vs. Brenntag North America, Inc., et al.	19-01186
Etheridge, David Charles and Darlene Pastore vs. Brenntag North America, Inc., et al.	19-01189
McNeill-George, D'Angela M. vs. Brenntag North America, et al.	19-01190
Ronning, William and Elizabeth vs. Brenntag North America, et al.	19-01191
Verinia Clark and William Clark, Jr. vs. Cyprus Amax Minerals Company, et al.	19-01202
Zachary Garris vs. Johnson & Johnson Co., et al.	19-01204
Charles D. Nezat Jr. and Kelsey L. Nezat vs. Brenntag North America, et al.	19-01222
Kelley, Kayla vs. Brenntag North America, Inc., et al.	19-01223
Helen Catt and Donald Catt vs. Brenntag North America, Inc. (sued individually and as successor-in-interest to Mineral Pigment Solutions, Inc. and as successor-in-interest to Whittaker Clark & Daniels, Inc.), et al.	19-01224

**Cases Removed to the United States Bankruptcy Court
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Case Caption	Bankruptcy Case No.
Macy, Marie Bond and Jack vs. Brenntag North America, Inc., et al.	19-01225
Bonnie Drake, as Administrator Ad Litem and Administrator as Prosequendum for the Estate of Debra Lamberti, Deceased, vs. Johnson & Johnson, et al.	19-01226
Sophia Vidalier vs. Cyprus Amax Minerals Company, et al.	19-01227
Esses, Justin and Stephanie Battaglia-Esses vs. Brenntag North America, Inc., et al.	19-01228
Kayne A. Clark and Duston W. Clark vs. Cyprus Amax Minerals Company, et al.	19-01229
Rosalia Gagliardi and Enrico Gagliardi vs. Johnson & Johnson, et al.	19-01230
Kayla Martinez vs. Avon Products, Inc., et al.	19-01231
Ann Ripley and Philip Ripley vs. Johnson & Johnson, et al.	19-01232
Sherry Luke vs. Johnson & Johnson Consumer Companies, Inc., et al.	19-01233

Cases Removed to the United States Bankruptcy Court

for the District of New Jersey by

Johnson & Johnson and Johnson & Johnson Consumer Inc. as of April 30, 2019

Case Caption	Bankruptcy Case No.
Kathleen Saul and Philip Saul vs. Brenntag North America, et al.	19-01234
Fletcher, Mary and Laura Miner, individually and as Co Executors and CoExecutors ad Prosequendum of the Estate of Gail Welch, deceased. vs. Brenntag North America, Inc., et al.	19-01235